

# PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 19-36.1 to permit a minimum side yard setback of 2 feet in lieu of the required 15 feet and a sum of the side yards of 25.5 feet in lieu of the required 40 feet and a rear yard setback of 32 feet in lieu of the required 40 feet.

1. This is the only practical location for an addition to the existing dwelling.
2. The nearest adjacent dwelling is 90' from the contemplated addition, and because of the hilly and wooded terrain the occupants will barely be aware of the addition.
3. The remaining setback is adequate for proper maintenance of the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of July, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 8th day of July, 1986, at 10:30 o'clock.

*Carl J. ...*  
Zoning Commissioner of Baltimore County.

MICROFILMED



## DESCRIPTION FOR VARIANCE

1403 MALVERN AVENUE  
9TH ELECTION DISTRICT

Beginning at a point in the centerline of Malvern Avenue (40 feet wide) at a distance of 135 feet west of Ruxton Road and running thence South 10° 37' West, 130.55 feet; thence South 03° 15' West, 188.28 feet; thence South 40° 53' West, 181.43 feet; thence North 03° 08' East, 456.0 feet to the centerline of Malvern Avenue; thence South 89° 27' East, 128.56 feet to the point of beginning.

Containing 0.999 acres of land, more or less.

After due consideration of the testimony and evidence presented, it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, the variance should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of July 1986, that the herein request for a variance to permit a minimum side yard setback of 2 feet, a sum of the side yard setbacks of 25.5 feet, and a rear yard setback of 32 feet, in accordance with the plan submitted and identified as Petitioner's Exhibit 1, is hereby Granted, from and after the date of this Order, subject, however, to the following restriction:

- 1) Within thirty (30) days after the Petitioner's father no longer resides on the premises, the kitchen shall be removed from the lower level. At no time shall the lower level be rented for use as an apartment.

*Jean M. H. Jung*  
Deputy Zoning Commissioner  
of Baltimore County

RECEIVED FOR FILMS

DATE 7/23/86

BY *Little J. ...*  
ASSISTANT ATTORNEY

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE  
S/S Malvern Avenue, 135' W  
of Ruxton Road  
(1403 Malvern Avenue)  
9th Election District  
Raymond A. Dearschs, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-10-A

The Petitioners herein request a zoning variance to permit a minimum side yard setback of 2 feet in lieu of the required 15 feet, a sum of the side yard setbacks of 25.5 feet in lieu of the required 40 feet, and a rear yard setback of 32 feet in lieu of the required 40 feet to construct an addition to the existing dwelling.

Testimony by one of the Petitioners indicated he grew up in the existing dwelling, then bought the property from his father a year ago. Approximately 10 years ago, a bath and kitchenette were installed on the lower level, without benefit of permits, and the lower level was rented to a tenant. Until the day of the hearing, this was never made known to Baltimore County. The Petitioner proposes to construct an addition to provide substantially increased habitable space to both the main and lower levels of the dwelling. In the opinion of the Petitioner, the resulting residence would be more in keeping with the neighborhood than the present dwelling. The father and his ill wife would reside on the lower level and take many of their meals with the son and his family. The existing kitchen on the lower level would remain as it is at present: a small kitchen sink, an apartment size refrigerator and a regular stove. When the father no longer resides in the dwelling, the lower level will be removed and the building will be a single family residence. The president of the Four Winds Association questioned the Petitioner expressed concern relating to overall change in the community.

RECEIVED FOR FILMS

DATE 7/23/86

BY *Little J. ...*  
ASSISTANT ATTORNEY

MICROFILMED

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

July 23, 1986

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Raymond A. Dearschs  
236 Stevenson Lane  
Baltimore, Maryland 21212

RE: Petition for Zoning Variance  
S/S Malvern Avenue, 135' W  
of Ruxton Road  
(1403 Malvern Avenue)  
9th Election District  
Case No. 87-10-A

Dear Mr. & Mrs. Dearschs:

I have this date passed my Order in the above referenced Petition for Zoning Variance in accordance with the attached.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
*Jean M. H. Jung*  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHU:bjs

Attachments

cc: Mr. John E. Dunn, III  
305 West Wind Road  
Towson, Maryland 21204  
People's Counsel

MICROFILMED

## PETITION FOR ZONING VARIANCES

9th Election District  
Case No. 87-10-A

LOCATION: South Side of Malvern Avenue, 135 feet West of Ruxton Road (1403 Malvern Avenue)

DATE AND TIME: Tuesday, July 8, 1986, at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a minimum side yard setback of 2' in lieu of the required 15' and a sum of the side yards of 25.5' in lieu of the required 40' and a rear yard setback of 32' in lieu of the required 40'.

Being the property of Raymond A. Dearschs, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

MICROFILMED

RE: PETITION FOR VARIANCES  
S/S Malvern Ave., 135'  
W of Ruxton Rd. (1403  
Malvern Ave.), 9th District  
RAYMOND A. DEARSCHS, et ux,  
Petitioners

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-10-A

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 17th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Raymond A. Dearschs, 236 Stevenson Lane, Baltimore, MD 21212, Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

MICROFILMED

6/22/87



87-10-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this day of June, 1986.

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

Petitioner: Raymond A. Dearchs, et ux  
Petitioner's Attorney: Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

7/24/86  
87-10-A  
file

THE FOUR WINDS ASSOCIATION, INC.  
Ruxton, Maryland 21204

July 22, 1986

Zoning Commissioner  
County Office Building  
Room 106  
111 West Chesapeake Avenue  
Towson, Maryland, 21204

Reference: Case 87-10A  
1403 Malvern Avenue  
RAYMOND A. DEARCHS, et ux

Dear Mrs. Jung:

The Four Winds Association has decided to withdraw our objection to the proposed variance covered under Case 87-10A.

We do share your concern, as articulated during the July 8th hearing, that the proposed addition approval not be construed to accept, now or in the future, a use of anything but a single family home. We hope that you will incorporate this thinking into your ruling.

The Four Winds Association, Inc.  
by:  
*John E. Dunn, III*  
John E. Dunn, III, President

cc: Mr. and Mrs. Raymond A. Dearchs

Mr. Raymond A. Dearchs  
Mrs. Marianne J. Dearchs  
236 Stevenson Lane  
Baltimore, Maryland 21212

June 6, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES  
S/S Malvern Ave., 135' W of Ruxton Rd.  
(1403 Malvern Ave.)  
9th Election District  
Raymond A. Dearchs, et ux - Petitioners  
Case No. 87-10-A

TIME: 10:30 a.m.  
DATE: Tuesday, July 8, 1986  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*Arnold Jablon*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 020382

DATE: 5/8/86 ACCOUNT: 01-615

AMOUNT: \$ 35.00

RECEIVED FROM: Raymond A. Dearchs

FOR: Filing Fee for Variance 16m No. 413

VALIDATION OR SIGNATURE OF CASHIER

ACI  
AZIMUTH CONSULTANTS, INC.

July 7, 1986

To Whom It May Concern:

Azimuth Consultants has surveyed the property known and designated as 1403 Malvern Avenue, as part of said survey, we have located the following:

- 1.) The existing house on said property is located 100'± from a nearby stream running adjacent to the property.
- 2.) The difference in elevation from the lower level of the existing house on said property is 30'± from that of the stream.
- 3.) The existing house on said property is located 19'± from the side property line.

Respectfully Yours,  
*Richard E. Gingham*  
Richard E. Gingham  
President  
Azimuth Consultants

PETITIONER'S EXHIBIT 3

4900 BELAIR ROAD • BALTIMORE, MARYLAND 21206 • (301) 488-4141

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 1, 1986

Mr. Raymond A. Dearchs  
Mrs. Marianne J. Dearchs  
236 Stevenson Lane  
Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCES  
S/S Malvern Ave., 135' W of Ruxton Rd.  
(1403 Malvern Ave.)  
9th Election District  
Raymond A. Dearchs, et ux - Petitioners  
Case No. 87-10-A

Dear Mr. and Mrs. Dearchs:

This is to advise you that \$85.00 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

County, Maryland, and remit  
to Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 021730

DATE: 7/1/86 ACCOUNT: 8-01-615-000

SIGN & POST RETURNED

AMOUNT: \$ 85.00

RECEIVED FROM: Raymond A. Dearchs, 236 Stevenson Lane, Balto., Md. 21212

FOR: Advertising and Posting re Case No. 87-10-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: June 23, 1986

Norman E. Gerber, AICP  
FROM: Director, Office of Planning & Zoning

SUBJECT: Zoning Variance Petitions:  
No. 87-7-A  
No. 87-10-A  
No. 87-11-A

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber, AICP*  
Norman E. Gerber, AICP

NEG:JGH:bjs

CPS-008

PETITIONER'S EXHIBIT 1

VICINITY MAP

PLAN FOR ZONING VARIANCE

OWNERS- RAYMOND AND MARIANNE DEARCHS  
DISTRICT 9TH ZONED DR-2  
1403 MALVERN AVENUE  
BALTIMORE, MD 21204

SCALE 1"=50'

OFFICE COPY 413 87-10-A

THE FOUR WINDS ASSOCIATION, INC.  
Ruxton, Maryland 21204

July 7, 1986

Reference: Case 87-10-A

Zoning Commissioner  
County Office Building  
Room 106  
111 West Chesapeake Ave.  
Towson, Maryland, 21204

At a meeting of the Board of Governors of The Four Winds Association, Inc., on July 2, 1986, a resolution was passed to oppose the variance proposed in Case 87-10-A.

The Four Winds Association comprises one-hundred and thirty-three families residing in the area immediately contiguous to the subject property.

The Four Winds Association, Inc.  
by:  
*John E. Dunn, III*  
John E. Dunn, III President

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th Date of Posting: 6/16/86

Posted for: Variance

Petitioner: Raymond A. Dearchs, et ux

Location of property: S/S Malvern Ave., 135' W of Ruxton Rd.  
1403 Malvern Ave.

Location of Signs: Facing Malvern Ave., across 10' Easement, on property, etc. Petitioner

Remarks:

Posted by: *John E. Dunn, III* Date of return: 6/13/86

Number of Signs: 1



# CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 18, 1986.

TOWSON TIMES,

*Luan Stueder Abelt*  
Publisher

42.50

# CERTIFICATE OF PUBLICATION

TOWSON, MD., June 19, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 19, 1986.

THE JEFFERSONIAN,

*Luan Stueder Abelt*  
Publisher

Cost of Advertising

27.50

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 26, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Chairman

MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Raymond A. Dearth, Esquire  
235 Stevenson Lane  
Baltimore, Maryland 21212

RE: Item No. 413 - Case No. 87-10-4  
Petitioner: Raymond A. Dearth, et ux  
Petition for Zoning Variance

Dear Mr. Dearth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer/KCB*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kcb

Enclosures

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204 2556  
494-4500

PAUL H. RENCKE  
CHIEF

May 20, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Raymond A. Dearth, et ux

Location: S/S Malvern Avenue, 135' W. of Ruxton Road

Item No.: 413

Zoning Agenda: Meeting of 5/20/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or test along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

June 5, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 413 Zoning Advisory Committee Meeting are as follows:

Property Owner: Raymond A. Dearth, et ux  
Location: S/S Malvern Avenue, 135 feet W of Ruxton Road  
District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.S.S.T. Bill #1 - 1980) and other applicable codes and standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All the Groups except B-4 Single Family Detached Dwelling require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built up an interior lot line shall require a fire or party wall. See Table 101, Section 101.2, Section 101.2.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office must be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Use \_\_\_\_\_ See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 15.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
10. Comments: Is there a flood plain designated? If so, it shall be indicated on the plan. See Item "I" above.

X These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Mark E. Linder*  
Mr. C. E. Burdman, Chief  
Building Plans Service

4/22/86

BALTIMORE COUNTY DEPARTMENT OF HEALTH

6/4/86  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 413, Zoning Advisory Committee Meeting of 5/20/86

Property Owner: *Raymond A. Dearth, et ux*

Location: *S/S Malvern Ave. 135 ft W of Ruxton Rd.* District: *9th*

Water Supply: *Public* Sewage Disposal: *Public*

COMMENTS ARE AS FOLLOWS:

1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
2. Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
3. A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendages pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
7. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
8. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 413 Zoning Advisory Committee Meeting of 5/20/86  
Page 2

1. Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
2. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
3. Soil percolation tests (have been/must be) conducted.  
The results are valid until \_\_\_\_\_  
Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
4. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
5. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until \_\_\_\_\_  
is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
6. Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
7. If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
8. *Others Petitioner should be advised that the Bureau of Environmental Services, Water Quality Management Policy, Feb. 1, 1986, prohibits any development within 50 feet of the stream located on the plot plan provided by the petitioner. The Petitioner will have to consider alternative designs for additional information contact Judy Platt, Water Quality Section at 494-3768.*

*John J. Forrest*  
John J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

Mr. Arnold Jablon, Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Re: Zoning Advisory Meeting of May 20, 1986  
Item # 413  
Petitioner: *Raymond A. Dearth, et ux*  
Location: *S/S Malvern Ave. 135' W. of Ruxton Rd. (1403 Malvern Ave.)*

The Division of Current Services and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

1. There are no site planning factors requiring comment.
2. County Review Group Meeting is required.
3. County Review Group Meeting was held and the minutes will be reviewed by the Bureau of Public Services.
4. This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
5. A record plat will be required and must be correct.
6. To issuance of a Building Permit.
7. The access is not satisfactory.
8. The circulation on this site is not satisfactory.
9. The parking arrangement is not satisfactory.
10. Planning calculations must be shown on the plan.
11. This property contains soils which are defined as wetlands, and development on these soils is prohibited.
12. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
13. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
14. The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
15. The property is located in a Baltimore County Landscape Manual, Still 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The official service is \_\_\_\_\_.
16. The property is located in a \_\_\_\_\_ area controlled by a top level intersection as defined by Bill 178-79. No is construction change in \_\_\_\_\_ until the \_\_\_\_\_ Division. The Zoning Services Staff is \_\_\_\_\_.
17. Additional comments: \_\_\_\_\_

cc: James Howell

Corinna A. Dyer  
Chief, Current Planning and Development

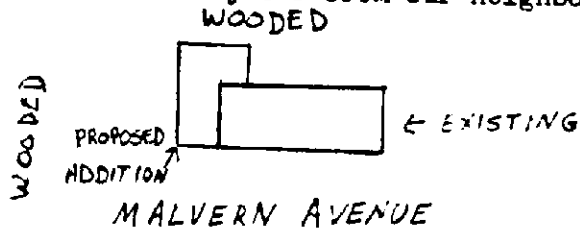
6/22/87

Dear Neighbor,

By now you may have noticed the zoning department sign on our lawn at 1403 Malvern Avenue. I would like to give you a brief description of our plans in order that you will be informed, and hopefully, comfortable with the changes we would like.

We plan to build an addition which will extend 16 feet to the east side, and 26 feet to the south side or rear of the existing home. This plan requires us to build closer to the property lines than zoning regulations allow.

We feel this project will improve our contribution to the neighborhood's appearance and at the same time provide no adverse side effects. The property lines effected border large, thickly wooded areas and are very far from our neighbors' houses.



My wife, Marianne, and I are eager to be good neighbors.

If you have any questions or concerns, please don't hesitate to contact us. Our home phone number is 296-6574. Thank you.

Very truly yours,

*Raymond A. Dearchs*  
Raymond A. Dearchs

PETITIONER'S  
EXHIBIT 2



# PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 19-36.1 to permit a minimum side yard setback of 2 feet in lieu of the required 15 feet and a sum of the side yards of 25.5 feet in lieu of the required 40 feet and a rear yard setback of 32 feet in lieu of the required 40 feet.

1. This is the only practical location for an addition to the existing dwelling.
2. The nearest adjacent dwelling is 90' from the contemplated addition, and because of the hilly and wooded terrain the occupants will barely be aware of the addition.
3. The remaining setback is adequate for proper maintenance of the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of July, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 8th day of July, 1986, at 10:30 o'clock.

*Carl J. ...*  
Zoning Commissioner of Baltimore County.

MICROFILMED



## DESCRIPTION FOR VARIANCE

1403 MALVERN AVENUE  
9TH ELECTION DISTRICT

Beginning at a point in the centerline of Malvern Avenue (40 feet wide) at a distance of 135 feet west of Ruxton Road and running thence South 10° 37' West, 130.55 feet; thence South 03° 15' West, 188.28 feet; thence South 40° 53' West, 181.43 feet; thence North 03° 08' East, 456.0 feet to the centerline of Malvern Avenue; thence South 89° 27' East, 128.56 feet to the point of beginning.

Containing 0.999 acres of land, more or less.

After due consideration of the testimony and evidence presented, it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, the variance should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of July 1986, that the herein request for a variance to permit a minimum side yard setback of 2 feet, a sum of the side yard setbacks of 25.5 feet, and a rear yard setback of 32 feet, in accordance with the plan submitted and identified as Petitioner's Exhibit 1, is hereby Granted, from and after the date of this Order, subject, however, to the following restriction:

- 1) Within thirty (30) days after the Petitioner's father no longer resides on the premises, the kitchen shall be removed from the lower level. At no time shall the lower level be rented for use as an apartment.

*Jean M. H. Jung*  
Deputy Zoning Commissioner  
of Baltimore County

RECEIVED FOR FILMS  
DATE 7/23/86  
BY *Little J. ...*

## PETITION FOR ZONING VARIANCES

9th Election District  
Case No. 87-10-A

LOCATION: South Side of Malvern Avenue, 135 feet West of Ruxton Road (1403 Malvern Avenue)  
DATE AND TIME: Tuesday, July 8, 1986, at 10:30 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a minimum side yard setback of 2' in lieu of the required 15' and a sum of the side yards of 25.5' in lieu of the required 40' and a rear yard setback of 32' in lieu of the required 40'.

Being the property of Raymond A. Dearchs, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 23, 1986

Mr. & Mrs. Raymond A. Dearchs  
236 Stevenson Lane  
Baltimore, Maryland 21212

RE: Petition for Zoning Variance  
S/S Malvern Avenue, 135' W  
of Ruxton Road  
(1403 Malvern Avenue)  
9th Election District  
Case No. 87-10-A

Dear Mr. & Mrs. Dearchs:

I have this date passed my Order in the above referenced Petition for Zoning Variance in accordance with the attached.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
*Jean M. H. Jung*  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHU:bjs  
Attachments

cc: Mr. John E. Dunn, III  
305 West Wind Road  
Towson, Maryland 21204  
People's Counsel

IN RE: PETITION FOR ZONING VARIANCE  
S/S Malvern Avenue, 135' W  
of Ruxton Road  
(1403 Malvern Avenue)  
9th Election District  
Raymond A. Dearchs, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-10-A

The Petitioners herein request a zoning variance to permit a minimum side yard setback of 2 feet in lieu of the required 15 feet, a sum of the side yard setbacks of 25.5 feet in lieu of the required 40 feet, and a rear yard setback of 32 feet in lieu of the required 40 feet to construct an addition to the existing dwelling.

Testimony by one of the Petitioners indicated he grew up in the existing dwelling, then bought the property from his father a year ago. Approximately 10 years ago, a bath and kitchenette were installed on the lower level, without benefit of permits, and the lower level was rented to a tenant. Until the day of the hearing, this was never made known to Baltimore County. The Petitioner proposes to construct an addition to provide substantially increased habitable space to both the main and lower levels of the dwelling. In the opinion of the Petitioner, the resulting residence would be more in keeping with the neighborhood than the present dwelling. The father and his ill wife would reside on the lower level and take many of their meals with the son and his family. The existing kitchen on the lower level would remain as it is at present: a small kitchen sink, an apartment size refrigerator and a regular stove. When the father no longer resides in the dwelling, the lower level will be removed and the building will be a single family residence. The president of the Four Winds Association questioned the Petitioner expressed concern relating to overall change in the community.

RECEIVED FOR FILMS  
DATE 7/23/86  
BY *Little J. ...*

RE: PETITION FOR VARIANCES  
S/S Malvern Ave., 135'  
W of Ruxton Rd. (1403  
Malvern Ave.), 9th District  
RAYMOND A. DEARCHS, et ux,  
Petitioners

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-10-A

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 17th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Raymond A. Dearchs, 236 Stevenson Lane, Baltimore, MD 21212, Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

6/22/87



87-10-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this day of June, 1986.

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

Petitioner: Raymond A. Dearchs, et ux  
Petitioner's Attorney: Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

87-10-A  
file

THE FOUR WINDS ASSOCIATION, INC.  
Ruxton, Maryland 21204

7/24/86  
JUL 24 1986  
ZONING DEPARTMENT

July 22, 1986

Zoning Commissioner  
County Office Building  
Room 106  
111 West Chesapeake Avenue  
Towson, Maryland, 21204

Reference: Case 87-10A  
1403 Malvern Avenue  
RAYMOND A. DEARCHS, et ux

Dear Mrs. Jung:

The Four Winds Association has decided to withdraw our objection to the proposed variance covered under Case 87-10A.

We do share your concern, as articulated during the July 8th hearing, that the proposed addition approval not be construed to accept, now or in the future, a use of anything but a single family home. We hope that you will incorporate this thinking into your ruling.

The Four Winds Association, Inc.  
by:  
*John E. Dunn, III*  
John E. Dunn, III, President

cc: Mr. and Mrs. Raymond A. Dearchs

Mr. Raymond A. Dearchs  
Mrs. Marianne J. Dearchs  
236 Stevenson Lane  
Baltimore, Maryland 21212

June 6, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES  
S/S Malvern Ave., 135' W of Ruxton Rd.  
(1403 Malvern Ave.)  
9th Election District  
Raymond A. Dearchs, et ux - Petitioners  
Case No. 87-10-A

TIME: 10:30 a.m.  
DATE: Tuesday, July 8, 1986  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*Arnold Jablon*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 020382

DATE: 5/8/86 ACCOUNT: 01-615

AMOUNT: \$ 35.00

RECEIVED FROM: Raymond A. Dearchs

FOR: Filing Fee for Variance 16m No. 413

S 875\*\*\*\*\*320018 00007

VALIDATION OR SIGNATURE OF CASHIER

ACI  
AZIMUTH CONSULTANTS, INC.

July 7, 1986

To Whom It May Concern:

Azimuth Consultants has surveyed the property known and designated as 1403 Malvern Avenue, as part of said survey, we have located the following:

- 1.) The existing house on said property is located 100'± from a nearby stream running adjacent to the property.
- 2.) The difference in elevation from the lower level of the existing house on said property is 30'± from that of the stream.
- 3.) The existing house on said property is located 19'± from the side property line.

Respectfully Yours,  
*Richard E. Gingham*  
Richard E. Gingham  
President  
Azimuth Consultants

PETITIONER'S  
EXHIBIT 3

4900 BELAIR ROAD • BALTIMORE, MARYLAND 21206 • (301) 488-4141

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 1, 1986

Mr. Raymond A. Dearchs  
Mrs. Marianne J. Dearchs  
236 Stevenson Lane  
Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCES  
S/S Malvern Ave., 135' W of Ruxton Rd.  
(1403 Malvern Ave.)  
9th Election District  
Raymond A. Dearchs, et ux - Petitioners  
Case No. 87-10-A

Dear Mr. and Mrs. Dearchs:

This is to advise you that \$85.00 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

County, Maryland, and remit  
to Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 021730

DATE: 7/1/86 ACCOUNT: 8-01-615-000

SIGN & POST  
RETURNED

AMOUNT: \$ 85.00

RECEIVED FROM: Raymond A. Dearchs, 236 Stevenson Lane, Balto., Md. 21212

FOR: Advertising and Posting re Case No. 87-10-A

FOR: B 8036\*\*\*\*\*320018 00018

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: June 23, 1986

Norman E. Gerber, AICP  
FROM: Director, Office of Planning & Zoning

SUBJECT: Zoning Variance Petitions:  
No. 87-7-A  
No. 87-10-A  
No. 87-11-A

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber, AICP*  
Norman E. Gerber, AICP

NEG:JGH:bjs

CPS-008

PETITIONER'S  
EXHIBIT 1

VICINITY MAP

PLAN FOR ZONING VARIANCE

OWNERS- RAYMOND AND MARIANNE DEARCHS  
DISTRICT 9TH ZONED DR-2  
1403 MALVERN AVENUE  
BALTIMORE, MD 21204

SCALE 1"=50'

OFFICE COPY  
413  
87-10-A

THE FOUR WINDS ASSOCIATION, INC.  
Ruxton, Maryland 21204

July 7, 1986

Reference: Case 87-10-A

Zoning Commissioner  
County Office Building  
Room 106  
111 West Chesapeake Ave.  
Towson, Maryland, 21204

At a meeting of the Board of Governors of The Four Winds Association, Inc., on July 2, 1986, a resolution was passed to oppose the variance proposed in Case 87-10-A.

The Four Winds Association comprises one-hundred and thirty-three families residing in the area immediately contiguous to the subject property.

The Four Winds Association, Inc.  
by:  
*John E. Dunn, III*  
John E. Dunn, III President

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th Date of Posting: 6/16/86

Posted for: Variance

Petitioner: Raymond A. Dearchs, et ux

Location of property: S/S Malvern Ave., 135' W of Ruxton Rd.  
1403 Malvern Ave.

Location of Signs: Facing Malvern Ave., across 10' Easement, on property, etc. Petitioner

Remarks:

Posted by: *John E. Dunn, III* Date of return: 6/18/86

Number of Signs: 1



# CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 18, 1986.

TOWSON TIMES,

*Luan Stueder Abelt*  
Publisher

42.50

# CERTIFICATE OF PUBLICATION

TOWSON, MD., June 19, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 19, 1986.

THE JEFFERSONIAN,

*Luan Stueder Abelt*  
Publisher

Cost of Advertising

27.50

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 26, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Chairman

MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Raymond A. Dearth, Esquire  
235 Stevenson Lane  
Baltimore, Maryland 21212

RE: Item No. 413 - Case No. 87-10-1  
Petitioner: Raymond A. Dearth, et ux  
Petition for Zoning Variance

Dear Mr. Dearth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
James E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204 2556  
494-4500

PAUL H. RENCKE  
CHIEF

May 20, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Raymond A. Dearth, et ux

Location: S/S Malvern Avenue, 135' W. of Ruxton Road

Item No.: 413

Zoning Agenda: Meeting of 5/20/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or test along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

June 5, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 413 Zoning Advisory Committee Meeting are as follows:

Property Owner: Raymond A. Dearth, et ux  
Location: S/S Malvern Avenue, 135 feet W of Ruxton Road  
District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.S.S.T. #117-1 - 1980) and other applicable codes and standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All the Groups except B-4 Single Family Detached Dwelling require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built up an interior lot line shall require a fire or party wall. See Table 101, Section 101.2, Section 101.2.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office must be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use or to Mixed Use. See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Everflow. Please see the attached copy of Section 15.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
10. Comments: Is there a flood plain designated? If so, it shall be indicated on the plan. See Item "I" above.

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Mark E. Linder*  
Mark E. Linder, Chief  
Building Plans Service

4/22/86

BALTIMORE COUNTY DEPARTMENT OF HEALTH

6/4/86  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 413, Zoning Advisory Committee Meeting of 5/20/86

Property Owner: *Raymond A. Dearth, et ux*

Location: *S/S Malvern Ave. 135 ft W of Ruxton Rd.* District: *9th*

Water Supply: *Public* Sewage Disposal: *Public*

COMMENTS ARE AS FOLLOWS:

1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
2. Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
3. A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendages pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
7. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
8. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

7/19/86  
87-10-1

SS 20 1082 (1)

Zoning Item # 413 Zoning Advisory Committee Meeting of 5/20/86  
Page 2

1. Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
2. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
3. Soil percolation tests (have been/must be) conducted.  
The results are valid until  
Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
4. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
5. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
6. Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
7. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
8. *Others Petitioner should be advised that the Bureau of Environmental Services, Water Quality Management Policy, Feb. 1, 1986, prohibits any development within 50 feet of the stream located on the plot plan provided by the petitioner. The Petitioner will have to consider alternative designs for additional information contact Judy Platt, Water Quality Section at 494-3768.*

*John J. Forrest*  
John J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

Mr. Arnold Jablon, Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Re: Zoning Advisory Meeting of May 20, 1986  
Item # 413  
Petitioner: *Raymond A. Dearth, et ux*  
Location: *S/S Malvern Ave. 135' W. of Ruxton Rd. (1403 Malvern Ave.)*

The Division of Current Services and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

1. There are no site planning factors requiring comment.
2. County Review Group Meeting is required.
3. County Review Group Meeting was held and the minutes will be reviewed by the Bureau of Public Services.
4. This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
5. A record plat will be required and must be correct.
6. To issuance of a Building Permit.
7. The access is not satisfactory.
8. The circulation on this site is not satisfactory.
9. The parking arrangement is not satisfactory.
10. Planning calculations must be shown on the plan.
11. This property contains soils which are defined as wetlands, and development on these soils is prohibited.
12. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
13. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
14. The amended Development Plan was approved by the Planning Board on 1/14/86.
15. The property is located in a Baltimore County Landscape Manual, Still 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The official service is.
16. The property is located in a traffic area controlled by a 10' level intersection as defined by Bill 178-79. No is construction change in characteristics permitted by the Division. The Traffic Services Staff is.
17. Additional comments:

cc: James Howell

Corinna A. Dyer  
Chief, Current Planning and Development

JUNE 17, 1986

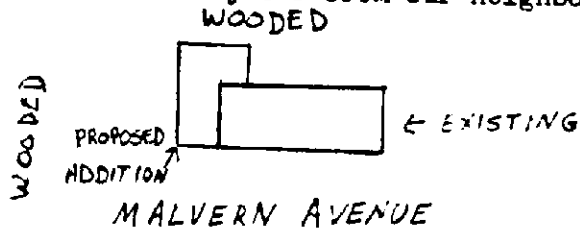
6/22/87

Dear Neighbor,

By now you may have noticed the zoning department sign on our lawn at 1403 Malvern Avenue. I would like to give you a brief description of our plans in order that you will be informed, and hopefully, comfortable with the changes we would like.

We plan to build an addition which will extend 16 feet to the east side, and 26 feet to the south side or rear of the existing home. This plan requires us to build closer to the property lines than zoning regulations allow.

We feel this project will improve our contribution to the neighborhood's appearance and at the same time provide no adverse side effects. The property lines effected border large, thickly wooded areas and are very far from our neighbors' houses.



My wife, Marianne, and I are eager to be good neighbors.

If you have any questions or concerns, please don't hesitate to contact us. Our home phone number is 296-6574. Thank you.

Very truly yours,

*Raymond A. Dearchs*  
Raymond A. Dearchs

PETITIONER'S  
EXHIBIT 2